REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant wishes to thank the Examiner for the notice that claims 5, 27 and 30-32 are allowed.

In the "Response to Arguments" section of the office action, the Examiner indicates that the Applicant allegedly did not respond to a 35 U.S.C. §102 rejection of claim 3 by U.S. Patent No. 5,241,383 to Chen et al. from the office action mailed September 8, 2005. Applicant respectfully notes that this rejection is not maintained in this office action and Applicant is unable to find such rejection in the September 8, 2005 office action. On page 5 thereof, only claims 1, 2, 28 and 29 are rejected under the Chen reference. Accordingly, if claim 3 stands rejected under this reference, Applicant respectfully submits a detailed rejection based on the same.

Claim 33 stands rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enabling requirement. Applicant respectfully traverses but in the interest of expediting prosecution, has canceled claim 33 without prejudice.

Claim 3 stands rejected under 35 U.S.C. §102(e) as being anticipated by Ribas-Corbera.

Claims 3, 19, 21, 22 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Uz et al.

Applicant has amended claim 3, for example, to indicate that the method includes rate control for a constant bit rate finite buffer size video encoder that among other things, calculates a power value for a first frame based on pixel values of only the first frame, and adjust the number of bits in a second frame based on the power value for the first frame. Applicant respectfully notes that the cited portion of Uz in the value TA_i, such as column 11, lines 11-50, is

actually the average total activity for the frames of the entire scene and include multiframe information. The total activity value TA_i in the cited portion refers to a plurality of frames of a scene and the claimed power value is determined based on pixel values of only the first frame of a plurality of frames. Also, Ribas-Corbera also appears silent as to this subject matter. Accordingly, Applicant respectfully submits that the cited reference does not anticipate the claimed subject matter and that the claim is in condition for allowance.

As to claim 21, Applicant respectfully reassert the relevant remarks made above with respect to claim 3 and as such, this claim is also believed to be in condition for allowance.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Uz as applied to claim 3 above, and further in view of Mihara.

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chiang et al. As to claim 24, Applicant respectfully submit that the references do not teach among other things, that prediction error image block that determines L1 distances according to sums of absolute differences along with a picture level rate control block and complexity estimator block that determines both non-intrapixel block complexity values and intrapixel block complexity values as claimed. Accordingly, this claim is also believed to be in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Applicant respectfully submits that the office action admits that Chiang does not teach, among other things, a picture level rate control block operatively coupled to a prediction error image block to receive L1 distances and to produce a target quantizer step size for a pixel block, but the office action cites no other references teaching the subject matter. Instead, the office action states "It would have been obvious to one of ordinary skill in the art at the time of the invention to divide the method of Chiang into any desired subroutines (blocks) in order for the

method to be run by the system of Chiang as it is well known in the art to provide a program with subroutines to perform tasks in order to easily replace or update functions in the program." Applicant respectfully submits that this motivation does not appear to be relevant to the claimed subject matter as Applicant is not claiming dividing programs into subroutines. In fact, the apparatus claimed is an apparatus for rate control for a constant-bit-rate finite-buffer-size video encoder. The office action does not provide any reference or teachings that teach what is missing from the Chiang reference. Accordingly, this claim is in condition for allowance.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chiang as applied to claim 24, and further in view of Kuchibhotla. Claim 25 is also believed to be allowable at least as being based on an allowable base claim.

Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Date: 8/14/06

By: _____
Christopher J. Reckamp
Reg. No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, Illinois 60601
Telephone: (312) 609-7599
Facsimile: (312) 609-5005